

Appln No. 10/069,214

Amdt date January 14, 2004

Reply to Office action of October 22, 2003

REMARKS/ARGUMENTS

Claims 1-5 and 7-16 are pending in the application. In the Office action dated October 22, 2003, the Examiner noted that the application does not contain an Abstract of the Disclosure. Applicants have amended the application as indicated above to correct this oversight.

The Examiner also rejected claims 1-5 and 7-16 under 35 U.S.C. § 112, second paragraph, in view of the recitation of the weight percentages of cyclodextrin and a hydrocolloid other than cyclodextrin. Applicants note that the application discloses, at page 3, that "the discontinuous phase comprises 0.1 to 65 wt %, preferably at least 5 wt% of a cyclodextrin material, and optionally a hydrocolloid other than a cyclodextrin, said percentages being based on the total composition." With that disclosure in mind, Applicants have amended claim 1 to recite that the discontinuous phase comprises 0.1 to 65 wt %, based on the total composition, of a hydrocolloid composition comprising a cyclodextrin and a hydrocolloid other than cyclodextrin. Applicants submit that, as amended, claim 1, and all claims dependent therefrom, are definite and comply with 35 U.S.C. §112. Applicants also submit that the amendment is non-narrowing.

On pages 3-7 of the Office action, the Examiner rejected claims 1-5 and 7-16 under 35 U.S.C. § 103(a) as being unpatentable over (a) U.S. '369 in view of U.S. '332; (b) U.S. '732 in view of U.S. '332; and (c) WO '282 in view of U.S. '332. For the reasons that follow, Applicants respectfully traverse the rejections and request reconsideration.

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The present invention is based on the discovery that cyclodextrin, when used in conjunction with another hydrocolloid, can absorb odor issuing from a wound around which the pressure-sensitive adhesive is applied. The hydrocolloid absorbs liquid from the wound, which in turn activates the odor-absorbing property of the cyclodextrin.

U.S. '369 discloses a sealing material, preferably having adhesive properties, for ostomy devices. The composition contains a hydrocolloid, and a large number of such materials can be found in Table III from column 12, line 25, to column 13, line 15. There is, however, no mention of cyclodextrin, even though the draftsman appears to have endeavored to include most if not all of the hydrocolloids likely to be of use for the purpose of the composition being described.

U.S. '332 discloses a composition containing cyclodextrin, but not in conjunction with another hydrocolloid, and there is no mention of odor-absorbing properties. According to the reference, the cyclodextrin is used as a clathrating agent for an active ingredient, for slow release of the active ingredient in a transdermal device. While the cyclodextrin used in the compositions of the present invention may be complexed with an active ingredient, this is a subsidiary feature of the invention, the primary function of the cyclodextrin being to absorb wound odors. There is no suggestion of this in U.S. '332.

Since the device of U.S. '332 is for transdermal delivery of a therapeutic agent, and there is no suggestion of the transdermal device being applied at or near a wound, a person

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skilled in the art seeking to improve the odor-absorbency of the sealing materials disclosed in U.S. '369 would not consider the disclosure of U.S. '332, which does not address the problem of odor-absorbency. It cannot, therefore, be concluded that it would be in any way obvious to combine these two references, since neither reference addresses the question of odor-absorbency, and it would not be obvious from either reference that a combination of cyclodextrin with another hydrocolloid would have enhanced odor-absorbing properties.

U.S. '732 discloses a skin barrier consisting of an elastic film secured to a layer of at least weakly elastic adhesive material. The reference has no more relevance to the present invention than does U.S. '369, since it does not disclose the use of cyclodextrin. The skilled person would have no motivation to look to '732 and combine it with U.S.'332, since neither reference addresses the question of odor-absorbency, and it would not be obvious from either reference that a combination of cyclodextrin with another hydrocolloid would have enhanced odor-absorbing properties.

WO '282 discloses a pressure-sensitive adhesive material that can be used in wound care, ostomy care, and in other medical products. The reference does not list cyclodextrin among the hydrocolloids utilized therein. Like the '369 and '732 references, WO '282 provides nothing that would motivate the skilled person to look to it in combination with the '332 reference, as neither WO' 282 nor U.S. '332 addresses the question of odor-absorbency, and it would not be obvious from

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either reference that a combination of cyclodextrin with another hydrocolloid would have enhanced odor-absorbing properties.

Accordingly, Applicants submit that claims 1-5 and 7-16 are allowable over the cited references. An early Notice of Allowance is respectfully requested.

Respectfully submitted,

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